IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3129 OF 2005

Rajkumar E. Chavan ...Applicant
vs.
State of Maharashtra ...Respondent

Mrs.Pranali Kakade for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 14,2005.

P.C.:

1. Heard Counsel appearing for the parties. This Application is for grant of anticipatory bail. An offence has been registered against the Applicant at Swargate Police Station, Pune bearing C.R.NO.424 of 2004. The offence is punishable under sections 386, 447, 506 read with Section 34 of the Indian Penal Code.

2. The allegation against the Applicant is relating to the incident of the year 1996. The case of the complainant is that he purchased five gunthas of land from One Bhagwat Pokharkar by registered sale deed dated 7th December 1996. It is alleged that immediately after the sale deed was registered, the Applicant along with one Appa Londhe came in the office of Sub Registrar and both of them threatened the complainant and forcibly got executed the sale deed in respect of the said land in favour of Appa Londhe. The sale deed was got executed on 7th December 1996 from the complainant. The F.I.R. has been lodged on 17th August 2004 i.e. after lapse of 7 years from the date of incident.

3. The learned Counsel appearing for the Applicant pointed

out that in case of similar offences registered against the Applicant, he has surrendered before the concerned Court and thereafter he has been enlarged on bail by the regular Court.

4. The learned A.P.P. submitted that the investigation is not yet completed. He pointed out that in earlier case also there are similar allegations against the Applicant who is an Advocate by profession. He submitted that this is not a case for grant of anticipatory bail.

5. F.I.R. is filed in the year 2004 for the offence which has allegedly taken place in December 1996. I have perused the statements of the witnesses recorded during the investigation. The only allegation made against the Applicant is that he forcibly obtained signatures on the sale deed.

6. The documents placed on record of this Application show that in earlier case the allegation is of similar nature. The applicant in the said earlier case surrendered before the concerned Court and thereafter he was enlarged on bail.

7. There is nothing on record to show that the Applicant is not cooperating with the Investigating agency. The Applicant is an Advocate by profession and claims to be practising for last more than twelve years. In my view, considering the nature of the allegation against the Applicant, no case is made out for custodial interrogation of the Applicant. As held by the Apex Court the order of anticipatory bail will enure to the benefit of the Applicant for a limited period.

8. Hence I pass the following order:

i) In the event the Applicant is arrested in connection with the C.R.No.424 of 2004 registered at Swargate Police Station, Pune, the Applicant shall be enlarged on bail subject to the Applicant filing personal bond in the sum of Rs.25,000/- (Rupees twenty five thousand) with two local sureties in the like amount.

ii) Anticipatory bail is granted subject to condition that the Applicant will attend the concerned Police Station on every Sunday from 11.00 a.m. to 2.00 p.m. and will cooperate with the Investigating Officer for the purposes of investigation as and when called upon to do so.

iii) The Applicant will not make any attempt to influence or pressurise the prosecution witnesses and will not make any attempt to tamper with the evidence.

iv) This order will enure to the benefit of the Applicant till the charge sheet is filed and after the charge sheet is filed the Applicant will be at liberty to move the regular court for appropriate relief.

v) Application is disposed of in above terms.

. Parties to act upon an authenticated copy of this order.

JUDGE